

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended. 1 new claim has been added. Thus, claims 1-69 are pending.

35 USC §112

Claims 1-68 stand rejected under §112 for failing to disclose replacement dependency. Applicant traverses the rejection as product replacement dependency is discussed throughout the Specification.

For example, the Office's attention is directed to FIG. 2 and related Specification page 9 starting on line 20 regarding database 114, which may contain therein "list 122" described at page 10 lines 1-6 which may identify related parts, e.g., the list may "encompass dependency data" and "other related product information (indicated by ellipses)" and "interdependencies." It is respectfully submitted that implementing the described lists and databases are well known to one skilled in the art. Other examples may be provided if requested, however it is believe the forgoing adequately addresses the rejection. Consequently Applicant requests withdrawal of these §112 rejections.

Applicant also respectfully notes surprise at receiving this rejection at this point long down the prosecution path. Replacement dependency is one core concept of the present application. If the Examiner has remaining concerns relating to support for claiming product dependency, the Examiner is strongly encouraged to contact the undersigned to discuss the technical merits of the present application.

35 USC §103

Claims 1-2, 7-12, 18-23, 25-27, 31-35, 43-47, 52-55, 57-58, 62-65, and 68 stand rejected under §103(s) as being obvious in light of Perkowski (U.S. Pat. No. 6,064,979), of which claims 1, 11, 16, 20, 23, 25, 31, 54, and 63 are independent claims. Applicant traverses these rejections.

Each independent claim 1, 11, 16, 20, 23, 25, 31, 54 and 63 each require directly or indirectly (e.g., claims 11, 16) determining a replacement dependency between a first and second part, where this dependency facilitates retrieval of replacement related information for the second part based at least in part on the determined dependency. In particular: **claims 1 and 25** recite "determining a replacement dependency between the first part and a second part which should be replaced along with the first part"; **claims 20 and 23** recite "determines a replacement dependency between the first part and a second part which should be replaced along with the first part"; and **claims 31, 54, and 63** recite "the database associating the part with related parts of the item, if any, that have a replacement dependency with the part and therefore should be replaced along with the part". Various methods, structures, mediums, and systems are recited.

Such dependency based replacement strategy as recited in the claims is **not** taught or suggested by Perkowski. Although Perkowski appears to teach retrieving information about a part by using the part's unique product identifier (e.g., its UPC code) to locate a relevant web page having **an omnibus list** (see col. 19 lines 18-22) of maintenance data, servicing information and other things relating to some scanned object, there is no teaching or suggesting of a data structure or other relationship that

allows for the recited dependency replacements, and there is no ***cross-checking*** (e.g., dependency checking) between related parts as recited!

The Office admits on page 3 of the Action that Perkowski fails to teach the recited dependency checking, but the Office continues on to state on page 4 that it would have been obvious to modify Perkowski by specifying dependency checking since the same functionality is achieved. Applicant traverses this statement of implicit taking Official Notice and further submits that the statement is an improper circular argument. What is stated by the Office, in effect, is that if one modifies Perkowski to perform the recited invention, then the modification performs the invention. Well, of course. But, this assertion only works if one improperly starts with the claimed invention and then simply asserts the difference between a cited document (Perkowski) and the claimed embodiments is being obvious.

Applicant submits this is improper because there is no teaching, suggestion, or motivation in Perkowski to start from the Perkowski omnibus list related to a part, and to simply step over to the improved determining dependency relationships among parts to determine a replacement strategy as recited. For example, given the relation "when replacing PART A, also replace PART B", such replacement dependencies are contemplated by recited embodiments but there is no mention, support or motivation for dependency replacements in Perkowski. **In particular, Perkowski does not teach *cross-checking between contents of its omnibus list***. It is submitted therefore that the suggested obviousness rejection improperly takes Official Notice of inventive aspects of the invention laid before the Office but not present in Perkowski.

Consequently, Applicant requests the rejections based on Perkowski and implicit taking of Official Notice be withdrawn. Of course, there are other bases on which claim 1 may be distinguished over Perkowski, and Applicant does not rely solely on the distinction above; however, the above discussion is believed to be more than sufficient to overcome the Office's rejection of this claim.

And, as discussed above, the other independent claims 11, 16, 20, 23, 25, 31, 54 and 63 also incorporate equivalent dependency part replacement language and hence distinguish over the cited document for at least the same reasons as claim 1. Of course, each independent claim has varied claim language providing other bases on which these claims may be distinguished over Perkowski, and Applicant does not rely solely on the distinction above. However, the above discussion is believed to be more than sufficient to overcome the Office's rejection of these claims. It is respectfully requested that the Office withdraw the rejection of these claims.

Claims 3-6, 13-17, 24, 28-30, 36-42, 48-51, 56, 59-61 and 66-67 stand rejected under §103(a) as being obvious over Perkowski in view of Gottsman (U.S. Pat. No. 6,134,548).

Assuming, for the sake of argument, that this represents a proper combination under §103, the patents nevertheless fail, alone or when considered in combination, to provide the subject matter of the rejected claims. In particular, these claims each depend from one of the independent claims 1, 11, 16, 20, 23, 25, 31, 54, and 63 discussed above. Therefore each includes the limitations of their base claim, including dependency replacement limitations discussed above with respect to claim 1. The cited portions of Gottsman fail to overcome the deficiencies highlighted for Perkowski.

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Examiner Najjar, Saleh
TC/A.U. 2157


Therefore these claims distinguish from the cited document at least on the basis discussed above with respect to claim 1. Of course, it will be appreciated each dependent claim introduces claim language providing other bases on which these claims may be distinguished over Perkowski and Gottsman, and Applicant does not rely solely on the distinction above. However, in order to focus examination attention on resolving the issue of novelty of dependency part replacement, the above discussion for claim 1 is relied on as being more than sufficient to overcome the Office's rejection of these claims. It is respectfully requested that the Office withdraw these rejections.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-69 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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